

REMARKS

The Official Action objects to the drawings under 37 CFR § 1.83(a) for failing to provide a descriptive label within each block of Figure 3. A replacement page including the amended version of Figure 3 including descriptive labels for each block is attached hereto. As the descriptive labels that are now applied to each block were described in the specification as originally filed, the amendment of Figure 3 does not add any new matter. Instead, the amended version of Figure 3 overcomes the objection raised by the Official Action to the drawings.

The Official Action also rejected the claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,101,531 to Gene Eggleston et al. in view of U.S. Patent No. 5,377,354 to Niamh C. Scannell et al. and, in conjunction with certain of the dependent claims, in further view of one or more of U.S. Published Application No. 2001/0051536 to Toshihiko Muramatsu, U.S. Patent No. 6,173,316 to Adam De Boor et al. and U.S. Published Application No. 2002/0009184 to J. Mitchell Shnier. As described in detail below, independent Claims 1, 8 and 15 have been amended to more clearly define the claimed invention and to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination. Based on the foregoing amendments and the following remarks, Applicant therefore respectfully requests reconsideration of the present application and allowance of the amended set of claims.

As recited by independent Claim 1, a method for admitting a wireless message to the non-volatile storage of a mobile station based upon a phone book record is provided. The phone book record has a first record data instance of criteria that determines what classes of messages to admit to the non-volatile storage of the mobile station and a second record data source identifier. For example, the first record data instance may be a mood class. Examples of mood classes include friends, private, consumer or the like. Thus, a phone book record includes one or more of these mood classes. Additionally, while various second record data source identifiers may be employed, the telephone number or address of the source of a wireless message may serve as the second record data source identifier.

According to the method of amended independent Claim 1, the choice of a mood of the user is initially received. For example, the user may select the "friends" mood so as to only

admit those messages that are received from sources that are designated by the phone book records to be friends. Alternatively, the user may select the "consumer" mood in which all incoming wireless messages from sources having respective phone book records that are designated to be in the "consumer" class will be admitted.

As now amended, independent Claim 1 also recites receiving a wireless message having a content indicator and admitting the wireless message to non-volatile storage of the mobile station provided that the content indicator matches the second data record source identifier and the at least one chosen mood class matches a first record data instance. For example, an incoming wireless message will be examined to identify the respective phone book record associated with the source of the wireless message, such as based upon the phone number or address of the source. A determination is then made as to whether the mood class associated with the phone book record for the source of the wireless message matches the mood that has currently been selected by the user of the mobile station and, if so, the wireless message is stored in non-volatile storage.

Similarly, independent Claim 8 recites a mobile station for admitting a wireless message based on a phone book record having a first record data instance of criteria that determines what classes of messages to admit to memory of the mobile station and a second record data source identifier. The mobile station of independent Claim 8 includes an input device for receiving a choice of mood of a user that serves to define at least one chosen mood class. The mobile station of amended independent Claim 8 also includes a receiver for receiving a wireless message having a content indicator and a processor for admitting the wireless message provided that the content indicator matches the second record data source identifier and the at least one chosen mood class message matches the first record data instance.

Furthermore, amended independent Claim 15 defines a method for selecting a mood class that defines a respective class of messages. In this regard, the method has now been amended to recite the steps of receiving a choice of at least one mood class filter and then using the chosen mood class filter to admit at least one wireless message to memory of the mobile station if the chosen mood class filter matches a mood class associated with the wireless message.

Turning now to the cited references, the primary reference, that is, the Eggleston '531 patent does not teach or suggest any type of selective admission of a wireless message to non-volatile storage or otherwise to memory of a mobile station as recited by the amended independent claims. In this regard, the Eggleston '531 patent does not teach or suggest a method for admitting a wireless message based on a phone book record that includes, among other steps, admitting the wireless message to non-volatile storage of the mobile station if the content indicator matches the second record data source identifier and the chosen mood class matches the first record data instance, as recited by amended independent Claim 1. Likewise, the Eggleston '531 patent does not teach or suggest a mobile station for admitting a wireless message based on a phone book record that includes a processor for admitting the wireless message if the content indicator matches the second record data source identifier and the chosen mood class matches a first record data instance, as recited by amended independent Claim 8. Furthermore, the Eggleston '531 patent does not teach or suggest a method for selecting a mood class that includes use of the chosen mood class filter to admit at least one wireless message to memory of the mobile station if the chosen mood class filter matches a mood class associated with the wireless message, as recited by amended independent Claim 15.

Instead, the Eggleston '531 patent is directed to techniques for filtering messages prior to transmission across a network extending between a server and a client so as to only selectively incur the charges or fees incurred for the use of the network. Phone messages intended for the client are stored by the server which then filters the messages so as to only forward those messages to the client that meet certain user-defined criteria. Likewise, the client can include a filter such that only certain messages that meet predefined criteria are forwarded over the network to the server. In contrast to the claimed invention, however, all wireless messages that are received by the mobile station, e.g., the client, are stored in memory and there is no teaching or suggestion provided by the Eggleston '531 patent of any type of selective admission of the wireless messages having received by the mobile station into memory of the mobile station. Instead, such filtering occurs prior to the transmission of the wireless message to the mobile station and not following receipt by the mobile station as contemplated by the claimed invention.

Moreover, even at the server of the Eggleston network, all of the messages are stored and there is no selective admission of the messages received by the server into memory. Indeed, all the messages are stored and then selected ones of the messages are forwarded to the client with the remainder of the messages maintained in storage for retrieval or review by the client, if so desired. Thus, the Eggleston '531 patent does not teach or suggest any type of selective admission of a wireless message to non-volatile storage or otherwise to memory of a mobile station as recited by the amended independent claims.

As recognized by the Official Action, the primary reference, that is, the Eggleston '531 patent, also fails to teach or suggest receiving a choice of a mood of a user, as recited by the independent claims. The mood selected by the user determines the chosen mood class or mood class filter. As such, the Official Action combined the Scannell '354 patent with the Eggleston '531 patent for its alleged disclosure of the selection of a mood by the user that is then utilized to selectively admit messages. In contrast to the claimed invention that is directed to a method and associated mobile station for selectively admitting wireless messages into the memory of the mobile station depending upon the chosen mood of the user, the Scannell '354 patent is directed to a method and apparatus for prioritizing and routing a plurality of incoming electronic mail messages according to predefined rules. Notably, all of the incoming messages are initially stored in a message store and are only subsequently screened in accordance with the predefined rules. Based upon the predefined rules, various priorities are assigned to different types of electronic mail messages, while other messages may be placed in a respective folder, forwarded to another user or the like.

If the method and apparatus described by the Scannell '354 patent were combined with the system described by the Eggleston '531 patent, Applicant submits that the method and apparatus of the Scannell '354 patent would be employed prior to the transmission of messages over the expense-bearing network of the Eggleston system since the only filtering applied by the Eggleston '531 patent occurs upstream of the network. In this regard, the prioritization and routing techniques described by the Scannell '354 patent would be utilized as at least a portion of the filter provided by the server or the client prior to transmission of a message across the network. Thus, as described above in conjunction with the Eggleston '531 patent, every message

received by the mobile station, e.g., the client, following transmission over the network would be admitted into memory of the client without further filtering by the mobile station since the only filtering described by the combination of references would occur prior to transmission of the wireless messages over the network and therefore prior to receipt by the mobile station.

Accordingly, even if the Scannell '354 patent were combined with the Eggleston '531 patent, the combination of the references would still fail to teach or suggest a method or mobile station for selectively admitting a wireless message into non-volatile storage or other memory of the mobile station if the content indicator matches the second record data source identifier and the chosen mood class matches the first record data instance as recited by amended independent Claims 1 and 8. Similarly, any combination of the Scannell '354 patent with the Eggleston '351 patent would also fail to teach or suggest using a chosen mood class filter to admit at least one wireless message to memory of the mobile station if the chosen mood class filter matches a mood class associated with the wireless message as recited by amended independent Claim 15.

Although Applicant submits that the only logical location within the system of the Eggleston '531 patent that the prioritization and routing method and apparatus of the Scannell '354 patent could be situated would be at the pre-stage filter located upstream of or prior to any transmission of a message over the network. However, even if the prioritization and routing method and apparatus of the Scannell '354 patent were applied at the client following receipt of a message over the Eggleston network, the resulting combination would still not teach or suggest the methods and mobile station of the claimed invention. In this regard, even if the prioritization and routing method and apparatus of the Scannell '354 patent were employed by the client for processing incoming messages received via the Eggleston network, the Scannell '354 patent describes the initial storage of the incoming messages in a message store and only the subsequent prioritization and routing of the messages in accordance with the predefined rules. As such, neither the prioritization and routing technique described by the Scannell '354 patent nor, for that matter, the pre-stage filtering of the Eggleston '531 patent is performed as a pre-condition prior to admission of the wireless messages to memory of the mobile station. Instead, the prioritization and routing method and apparatus of the Scannell '354 patent initially stores the

messages without any consideration for the relationship of the incoming messages to the predefined rules.

Additionally, even if the Scannell '354 patent were to be combined with the Eggleston '531 patent, the combination of the references would also fail to teach or suggest any receipt of the choice of the mood of the user that determines the chosen mood class which, in turn, at least partially dictates which wireless messages will be admitted into memory, as also recited by amended independent Claims 1, 8 and 15.

A number of tertiary references, that is, the Muramatsu '536 publication, the De Boor '316 patent and the Shnier '184 publication were also cited for their disclosure of various features set forth by respective ones of the dependent claim. None of these references teach or suggest the receipt of a choice of a mood of the user and the subsequent selective admission of a wireless message into non-volatile storage or other memory of a mobile station based in part upon the chosen mood class, as recited by the amended independent claims. As such, any combination of one or more of these tertiary references with the Eggleston '531 patent and the Scannell '354 patent likewise fail to teach or suggest the method and mobile station of the claimed invention for at least the same reasons as described above in conjunction with the Eggleston '531 patent and the Scannell '354 patent.

For each of the foregoing reasons, Applicant submits that the cited references, taken either individually or in combination, fail to teach or suggest a method and mobile station as recited by amended independent Claims 1, 8 and 15, as well as the claims that depend therefrom. As such, Applicant further submits that the rejection of claims under 35 U.S.C. § 103(a) is therefore overcome.

CONCLUSION

In view of the amended claims, the amended Figure 3 and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

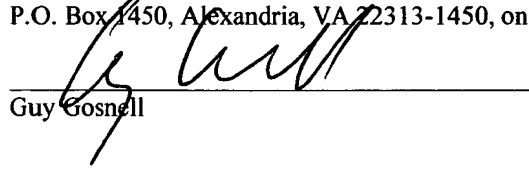


Guy R. Gosnell
Registration No. 34,610

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
CLT01/4670385v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 23, 2004



Guy Gosnell